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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/808,568 | 03/25/2004 | Vincent de Laforcade | 05725.0918-01 | 4838 |
| 22852 7590 09/20/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413 | | | EXAMINER COMSTOCK, DAVID C | |
| | | | ART UNIT 3733 | PAPER NUMBER |
| | | | MAIL DATE 09/20/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|

10/808,568

EXAMINER

D. Comstock

ART UNIT

PAPER

20070915

DATE MAILED:

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Commissioner for Patents

The reply filed on 29 June 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claim groups are related without specifically pointing out how the language of the claims makes them patentably related. In addition, Applicant is advised that any claims drawn to the same invention as elected in parent application 09/902,265, now US Pat. No. 6,857,432, must be canceled or appropriately amended so as to no longer be coextensive in scope or will be subject to a statutory double patenting rejection pursuant to MPEP 804.01(F). As expressed in *Studiengesellschaft Kohle*, 784 F.2d at 361, 228 USPQ at 844, (J. Newman, concurring), "35 U.S.C. 121 of course does not provide that multiple patents may be granted on the identical invention." Moreover, it is noted that it strains credulity that Applicant is the original, first, and sole inventor of some of the claimed subject matter including, for example: the "invention" of "entering into a written agreement" (see, e.g., claim 51), the "invention" of "reaching an oral understanding" (see, e.g., claim 52), and the "invention" of selling products at a "brick and mortar store" or through an "electronic network based store" (see, e.g., claim 60). Applicant is respectfully advised to review the language in the Declaration and cancel any potentially overreaching claims.

Applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

D. Comstock

EDUARDO C. ROBERT
SUPERVISOR, PATENT EXAMINER